

## CODIFIED ORDINANCES OF LOUDOUN COUNTY

### PART TWO - ADMINISTRATION CODE

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#### CHAPTER 202 Codified Ordinances

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|--------|---|--------|---|
| 202.01 | Designation; citation; headings.                      | 202.06 | Copy of Codified Ordinances on file; supplementation. |
| 202.02 | Amendments and supplements; numbering.                | 202.07 | Unauthorized insertions or deletions prohibited.      |
| 202.03 | Revivor; effect of re-enactment, amendment or repeal. | 202.08 | Classification of misdemeanors.                       |
| 202.04 | Definitions and interpretation.                       | 202.99 | General Code penalty.                                 |
| 202.05 | Separability of provisions.                           |        |   |

#### CROSS REFERENCES

- Penalties for violation of ordinances - see Code of Va. ' 15.2-1429
  - Codification and recodification of ordinances - see Code of Va. ' 15.2-1433
  - Classification of criminal offenses and punishment therefor - see Code of Va. ' 18.2-8
  - Ordinances, resolutions and motions - see ADM. Ch. 212
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#### 202.01 DESIGNATION; CITATION; HEADINGS.

(a) This volume consists of all ordinances of a general and permanent nature of the County, as revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of Loudoun County, Virginia, 1980, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

#### 202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Loudoun County, Virginia, 1980, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of the Board of Supervisors to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each component code shall be subdivided into titles; each title shall be subdivided into chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying component code 2, and the two figures "02" before the decimal signifying the chapter within the component code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the component code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

#### 202.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of the Codified Ordinances does not revive the provision originally repealed nor impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of the Codified Ordinances does not, except as provided in subsection (c) hereof:

- (1) Affect the prior operation of the provision or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of a provision of the Codified Ordinances, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

#### 202.04 DEFINITIONS AND INTERPRETATION.

In the construction of the Codified Ordinances, the following rules and definitions shall control, excepting those inconsistent with the manifest intent of the Board of Supervisors as disclosed in a particular provision, section or chapter:

- (1) Ordinance. "Adopting Ordinance" means the ordinance of the County adopting these Codified Ordinances, in conformity with Section 15.2-1433 of the Code of Virginia of 1950, as amended.
- (2) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (3) Board. "Board" means the Board of Supervisors of the County, being the legislative authority of the County.
- (4) Calendar; Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or legal holiday, in which case it shall be excluded and the time shall expire on the next week day. If time is expressed in hours, the whole of Sunday shall be excluded.
- (5) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.
- (6) County. "County" means Loudoun County, Virginia.
- (7) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders, and words importing the feminine shall include the masculine and neuter.
- (8) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (9) Joint Authority. Words giving authority to a board, commission or authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (10) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (11) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.
- (12) Number. Words in the plural include the singular and words in the singular include the plural number, if the sense so requires.
- (13) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.
- (14) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (15) Person. "Person" means an individual, association, club, corporation, firm, partnership, body politic or any other entity.

- (16) Premises. "Premises, " when used as applicable to property, extends to and includes land and buildings.
  - (17) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.
  - (18) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.
  - (19) Shall and May. "Shall" is mandatory; "may" is permissive.
  - (20) Sidewalk. "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
  - (21) State and Commonwealth. "State" and "Commonwealth" mean the Commonwealth of Virginia.
  - (22) Street. "Street" means alleys, avenues, boulevards, lanes, roads, streets, State highways and other public ways in the County.
  - (23) Tenant and Occupant. "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.
  - (24) Tenses. The use of any verb in the present tense includes the future.
  - (25) Week. "Week" means seven consecutive days.
  - (26) Whoever. "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
  - (27) Written. "Written" or "in writing" includes any representation of words, letters, symbols or figures; this provision does not affect any law relating to signatures.
- (Adopting Ordinance; Ord. 98-01. Passed 3-18-98.)

#### 202.05 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such section or part of a section so held to be invalid.

#### 202.06 COPY OF CODIFIED ORDINANCES ON FILE; SUPPLEMENTATION.

At least one certified copy of the Codified Ordinances shall be kept on file in the County Administration Building. It shall be the duty of the County Administrator to insert in its designated place any ordinance or resolution that indicates the intention of the Board of Supervisors to make the same a part of the Codified Ordinances when the same has been printed or reprinted in page form, and to extract from the Codified Ordinances

all provisions which may be from time to time repealed by the Board of Supervisors or to make an appropriate notation in the certified copy of the Codified Ordinances that such provisions have been repealed. Such certified copy of the Codified Ordinances shall be made available to all persons desiring to examine the same and shall be considered the official copy of the Codified Ordinances of Loudoun County, Virginia, 1980.

#### 202.07 UNAUTHORIZED INSERTIONS OR DELETIONS PROHIBITED.

No person shall change or amend, by additions or deletions, any part or portion of the certified copy of the Codified Ordinances, or insert or delete pages or portions thereof, or alter or tamper with such Codified Ordinances in any manner whatsoever, in such manner as to cause the law of the County to be misrepresented. Whoever violates this section shall, in addition to the penalty provided in Section 202. 99, be liable to the County, its officials or employees, in law, equity or otherwise, for any damage or loss sustained by it, them or any of them, because of an improper action or decision made by reason of such misrepresentation, change, addition, alteration or deletion.

#### 202.08 CLASSIFICATION OF MISDEMEANORS.

(a) Misdemeanors are classified, for the purposes of punishment and sentencing, into four classes:

- (1) Class 1 misdemeanor
- (2) Class 2 misdemeanor
- (3) Class 3 misdemeanor
- (4) Class 4 misdemeanor. (Code of Va. Sec. 18.2-9)

(b) The authorized punishments for conviction of a misdemeanor are:

- (1) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than two thousand five hundred dollars (\$2,500), either or both;
- (2) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than one thousand dollars (\$1,000), either or both;
- (3) For Class 3 misdemeanors, a fine of not more than five hundred dollars (\$500.00); and
- (4) For Class 4 misdemeanors, a fine of not more than two hundred fifty dollars (\$250.00). (Code of Va. Sec. 18.2-11)  
(Ord. 91-24. Passed 10-15-91.)

#### 202.99 GENERAL CODE PENALTY.

Whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any provision of any standard, technical or other code adopted by reference in these Codified Ordinances, and including any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law, for which no penalty is otherwise provided, is guilty of a Class 1 misdemeanor and shall be fined not more than two thousand five hundred dollars (\$2,500) or imprisoned not more than twelve

months, or both, plus costs of prosecution, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any equitable remedy or surcharge provided in these Codified Ordinances or in any rule or regulation promulgated under authority of these Codified Ordinances or under authority of any standard, technical or other code adopted by reference in these Codified Ordinances or under authority of State law.

(Ord. 95-06. Passed 8-2-95.)